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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 30 December 2004 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brunei Darussalam presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to transmit herewith the report of Brunei Darussalam in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 30 December 2004 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chairman of the Committee

Brunei Darussalam national report on the implementation of Security Council resolution 1540 (2004)

1) Brunei Darussalam is committed to the promotion of arms control and disarmament for the maintenance of regional and international peace and security. Towards this end, Brunei Darussalam has become a party to the following international treaties and agreements aimed at curbing the proliferation of Weapons of Mass Destruction (WMD):

   - **Treaty on the Non-Proliferation of Nuclear Weapons** (NPT) (in March 1985);
   - **Biological Weapons Convention** (BWC) (in January 1991); and
   - **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction** (CWC) (in July 1997).

2) Brunei Darussalam is also a signatory member to the **Comprehensive Nuclear Test Ban Treaty** (CTBT) (in January 1997) and at this stage is considering to sign the **IAEA Additional Protocol** by 2005.

3) Brunei Darussalam supports Security Council Resolution 1540 (2004), which seeks to curb non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical and biological materials and weapons.

National Legislations

4) Brunei Darussalam has put in place various legislative measures, as follows:

   - The **Biological Weapons Act 1975** prohibits any person from developing, producing, stockpiling, acquiring or retaining any biological agent or toxin of a certain type contrary to peaceful purposes. The penalty of this offence is life imprisonment. The offence also applies to corporate entities.

   - The **Customs (Prohibition and Restriction on Imports and Exports) Order 1980**, listed radioactive materials as "restricted imports" under Schedule 2 and can only be imported through licensing granted by the Controller of Customs.

- The **Internal Security Act 1984 (Chapter 133)** has a provision to prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons for terrorist purposes.

- The **Poisons Act 1984** regulates the importation, possession, manufacturing, compounding, storage, transport and sale of poisons. A Poisons List under this Act, updated regularly, also includes chemical substances, which are used in pharmaceutical, manufacturing and agriculture industries.

- The **Arms and Explosives Act 2002** regulates the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives. The penalty for any of the offences under this Act shall not exceed imprisonment for a term of 15 years, a fine of BND $10,000 and 12 strokes of whipping.

- The **Anti-Terrorism (Financial and other Measures) Order 2002** prohibits financing for any terrorist acts. Penalty for this offence is imprisonment for a term not exceeding five years or a fine not exceeding BND$100,000 or both.

5) Brunei Darussalam is in the process of drafting a **Chemical Weapons Prohibition Order** to regulate the use of chemicals and prohibit any use or manufacture of chemical weapons. Under this Order, a **National Authority Advisory Body for Chemical Weapons Convention** will be established and which will be under the jurisdiction of the Ministry of Defence.

National Enforcement

6) The *law enforcement* agencies in Brunei Darussalam work jointly to curb terrorist and other criminal activities in the country. The Royal Brunei Armed Forces and the Royal Brunei Police Force oversee the land border and maritime security through systematic patrol operations. Anti-smuggling operations are led by the Department of Royal Customs and Excise in cooperation with other enforcement agencies. The movement of people across national borders is regulated and monitored by the Immigration and National Registration Department.

7) In relation to *import and export controls of Dangerous Goods (DG)*, Brunei Darussalam has fully implemented the International Maritime Organisation (IMO) International Maritime Dangerous Goods (IMDG) Code. In accordance with the IMDG Code, Dangerous Goods classified 1 to 9 must be declared on the DG Manifest Form. In addition to the Manifest Form, Dangerous Goods classified as 1, 2, 3 and 7, require further permit from the Ministry of Health, the Royal Brunei Police Force and the

Royal Customs and Excise Department before approval is granted by the Director of Ports.

8) Brunei Darussalam has also implemented the *IMO International Ships and Ports Security (ISPS) Code* in July 2004 to enhance security of ships and ports facilities.

International Cooperation

9) Brunei Darussalam has established cooperation with other States, bilaterally and regionally, through the following:

- Memorandum of Understanding on Combating Terrorism and Other Transnational Crimes with Pakistan (in May 2004).
- Extradition arrangements with Malaysia (in November 1984) and Singapore (in May 1984).
- Agreement on Information Exchange and Establishment of Communication Procedures with Cambodia, Indonesia, Malaysia, the Philippines and Thailand to combat terrorism and other transnational crimes (in October 2003).
- Mutual Legal Assistance Treaty with Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore and Viet Nam (in November 2004).
- ASEAN – Australia Joint Declaration for Cooperation to Combat International Terrorism (in July 2004).
- ASEAN – EU Joint Declaration on Co-operation to Combat Terrorism (in January 2003).
- ASEAN – India Joint Declaration for Cooperation to Combat International Terrorism (in October 2003).
- ASEAN – Japan Joint Declaration for Cooperation to Combat International Terrorism (in November 2004).
- ASEAN – Russia Joint Declaration for Cooperation to Combat International Terrorism (in July 2004).
- ASEAN – USA Joint Declaration for Cooperation to Combat International Terrorism (in August 2002).

10) Brunei Darussalam, together with other ASEAN Member States, is a party to the **South East Asia Nuclear Weapons Free Zone Treaty**. This treaty prohibits the participants from developing, manufacturing, acquiring, possessing, stationing, transporting by any means, testing or using nuclear weapons in the participant's sovereign territory, continental shelves and Exclusive Economic Zone (EEZ).

11) Brunei Darussalam is also a member of the ASEAN Regional Forum (ARF), which promotes dialogue amongst Asia-Pacific countries on political and security cooperation to enhance peace and prosperity in the region. The ASEAN Regional

Forum Statement on Non-Proliferation was adopted at the ARF Ministerial Meeting in Jakarta in July 2004, which recognises that the proliferation of WMD and their means of delivery constitute a threat to international peace and security.

12) Brunei Darussalam participates in the Asia Pacific Economic Cooperation (APEC) Counter Terrorism Task Force (CTTF), whereby cooperation in combating terrorism particularly measures in ensuring that WMD will not fall into the hands of non-state actors.

13) As a member of the Asia Europe Meeting (ASEM), Brunei Darussalam reaffirmed its commitment to the non-proliferation of WMD at the ASEM Summit Meeting in Hanoi, Viet Nam in 2004.

14) Brunei Darussalam is also a member of other organisations that promote the universal adoption and full implementation of multilateral disarmament treaties and conventions, particularly on cooperation to prevent non-state actors from acquiring WMD and their means of delivery. Such organisations include the Commonwealth, the Organisation of Islamic Conferences (OIC) and the Non-Aligned Movement (NAM).